



12-07-01

A



DOCKET NO.: EGGL-0001D2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Anticipated Classification of
this application:

Class: 251 Subclass: 317

Philip W. Eggleston

For:

Prior Application

Examiner: Keasel, E.

ROTARY VALVE APPARATUS

Art Unit: 3754

Commissioner for Patents
Washington, D.C. 20231

RULE 53(b) TRANSMITTAL LETTER

Sir: This is a request for filing a

() Continuation

(**XX**) Divisional application, under 37 CFR 1.53(b), of pending prior
application Serial No. 09/772,782, filed on January 30, 2001 of Philip W.
Eggleston entitled ROTARY VALVE APPARATUS.

1. **(XX)** Enclosed is a copy of the prior application, including the oath or declaration as originally filed. I hereby verify that the attached papers comprise a true copy of the prior application Serial No. 09/772,782, as originally filed on January 30, 2001, and that no amendments referred to in the Oath or Declaration filed to complete the prior application introduced new matter therein.

The filing fee is calculated below, at the small entity rate, on the basis of claims as filed in the prior application, less any claims cancelled by amendment listed below, plus any claims added by any preliminary amendment listed below:

FOR	NO. FILED	NO. EXTRA	RATE	FEE
BASIC FEE			\$370	\$370
TOTAL CLAIMS	10-20	0	\$ 9	0
INDEP. CLAIMS	1-3	0	\$ 42	0
MULTIPLE DEPENDENT CLAIMS = 0			\$140	0
			TOTAL	\$370

2. **(XX)** Verified Statement Claiming Small Entity Status is enclosed herewith.
3. **()** Verified Statement Claiming Small Entity Status was filed in the parent case.
4. **()** Please charge my Deposit Account No. 11-1543 in the amount of \$_____. A duplicate copy of this sheet is enclosed herewith.

5. (XX) A check in the amount of \$ 370 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 11-1543. A duplicate copy of this sheet is enclosed herewith.
6. (XX) The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 11-1543. A duplicate copy of this sheet is enclosed herewith.
- (XX) Any additional filing fees required under 37 CFR 1.16 including fees for presentation of extra claims.
- (XX) Any additional patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).
7. (XX) The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 11-1543. A duplicate copy of this sheet is enclosed herewith.
- (XX) Any patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).
- () The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
- (XX) Any filing fees under 37 CFR 1.16 including fees for presentation of extra claims.
8. (XX) Cancel in this application original claims 1-22 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
9. (XX) Amend the specification by inserting before the first line the sentence: --This is a () continuation, (XX) division, of application Serial No. 09/772,782, filed January 30, 2001, such prior application being incorporated by reference herein in its entirety.--

10. () Transfer the formal drawings previously filed in the prior application to this application.

(XX) New formal drawings are enclosed.

11. () Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by 37 CFR 1.138 and before payment of the base issue fee.)

12. () Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. Section 119. (country)

() The certified copy has been filed in prior application Serial No. _____, filed _____.

13. () The prior application is assigned of record to _____.

14. (XX) Power of attorney in the prior application was given to J. Richard Konneker, Registration No. 28,867 and Marlin R. Smith, Registration No. 38,310.

(XX) The power appears in the original papers in the prior application.

() Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

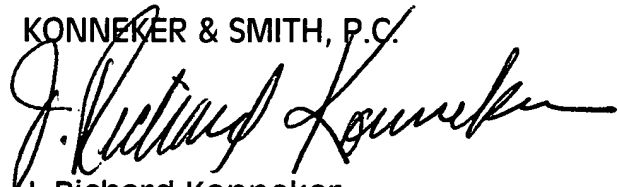
15. (XX) Address all future communications to:

J. Richard Konneker, Esq.
KONNEKER & SMITH, P.C.
660 N. Central Expwy. - Suite 230
Plano, Texas 75074
972/516-0030

16. () A preliminary amendment is enclosed. Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.
17. () A Petition for Extension of Time has been filed in the parent application, Serial No. _____ filed _____. A copy of the Petition for Extension of Time is enclosed.

Respectfully submitted,

KONNEKER & SMITH, P.C.



J. Richard Konneker

Attorney of Record for Applicant
Registration No. 28,867

Dated: November 8, 2001

KONNEKER & SMITH, P.C.
660 N. Central Expwy. - Suite 230
Plano, Texas 75074
972/516-0030

CERTIFICATE OF MAILING BY "EXPRESS MAIL": Express Mail Mailing Label No.: EL83780761945

Date of Deposit November 8, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

Diane Sutton
Type or Print Name

Diane Sutton
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Philip W. Eggleston
Serial No.: Unassigned Filed: Herewith
Entitled: ROTARY VALVE APPARATUS
Group Art Unit: 3754 Examiner: Keasel, E.



LETTER TO THE OFFICIAL DRAFTSMAN

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed are six sheets of formal drawings for Figures 1-8B for the above-referenced divisional patent application.

KONNEKER & SMITH, P.C.

A handwritten signature in cursive script that reads "J. Richard Konneker".

J. Richard Konneker
Attorney for Applicant
Registration No. 28,867

Dated: November 8, 2001

660 N. Central Expressway
Suite 230
Plano, Texas 75074
972/516-0030

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to: Commissioner for Patents, Washington, D.C., 20231,

Mailing Label No. EL837807619VS

on November 8, 2001
Aime Sutton